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OFFICE OF PETITIONS

Applicant: Godkin
Appl. No.: 10/693,394
Filing Date: October 24, 2003
Title: CLOSED-ENDED LINEAR VOICE COIL ACTUATOR WITH IMPROVED FORCE CHARACTERISTIC
Attorney Docket: 351999-991410
Pub. No.: US 2004/0156526 A1
Pub. Date: August 12, 2004

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on June 26, 2008, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains an error on the front page of the publication in the spelling of inventor's last name "Godkin" which appears as "Godin".

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within **two months** from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.¹

The request for corrected publication, received on June 25, 2008, was not timely filed under 37 CFR 1.221(b).

The error noted by requestor with respect to the misspelled name is not an Office error. The patent application publication does not include a mistake with respect to the inventor's name.

¹Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

Even if the name had been misprinted, the misspelling of inventor Godkins' name as "Godin" does not affect the understanding of the application. The mistake does affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

Applicant is reminded of his duty to conduct a reasonable inquiry before filing a paper before the Office. See MPEP 410.

Applicants' request for a corrected patent application publication on June 26, 2008, may constitute a "failure to engage in reasonable efforts to conclude processing or examination of the application." See 1.704(c). This determination will be made on or after a mailing of a Notice of Allowance.

On January 29, 2004 and May 6, 2004, Filing Receipts were mailed by the Office, which listed the inventor's name. To avoid this type of problem in the future, applicant's representative should review the Filing Receipt, correct error on the Oath and make a request for a Corrected Filing Receipt.

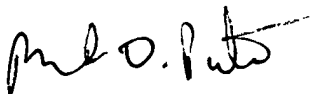
Applicants are advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application in compliance with the Office electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

<http://www.uspto.gov/ebc/portal/tutorials.htm>

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication".

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.



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